

MICHELLE GHAFAR (CA Bar No. 315842)  
(Designated as counsel for service)  
Earthjustice  
50 California Street, Suite 500  
San Francisco, CA 94111  
Tel: (415) 217-2186 / Fax: (415) 217-2040

ELIZABETH B. FORSYTH (CA Bar No. 288311)  
eforsyth@earthjustice.org  
Earthjustice  
810 Third Avenue, Suite 610  
Seattle, WA 98104  
Tel: (206) 531-0841 / Fax: (206) 343-1526

*Counsel for Plaintiffs*

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

CENTER FOR BIOLOGICAL  
DIVERSITY, et al.,

Plaintiffs,

v.

U.S. BUREAU OF LAND  
MANAGEMENT, et al.,

Defendants.

Civ. No. 1:23-cv-00938-JLT-CDB

**STIPULATION TO EXTEND TIME TO  
RESPOND TO DEFENDANT INNEX  
CALIFORNIA, INC.'S MOTION TO  
DISMISS AND TO CONTINUE HEARING  
DATE**

Date: November 4, 2024  
Time: 9:00 am  
Courtroom: 4 (7th Floor)

**District Judge:** Hon. Jennifer L. Thurston  
**Magistrate Judge:** Hon. Christopher D. Baker

1 The Parties hereby stipulate to extend the time to respond to Defendant INNEX  
2 California, Inc.'s ("INNEX's") motion to dismiss pursuant to Federal Rule of Civil Procedure  
3 12(b)(1). In support, the Parties state as follows:

4 1. On June 22, 2023, Plaintiffs challenged the Environmental Assessment ("EA"),  
5 Finding of No Significant Impact ("FONSI"), and Decision Record issued by Federal Defendant  
6 U.S Bureau of Land Management ("BLM") to approve six Applications for Permits to Drill new  
7 oil wells for Defendant California Resources Production Corporation ("CRPC") in Kern County,  
8 California. ECF No. 1.

9 2. On November 7, 2023, BLM moved for remand without vacatur. ECF No. 21.

10 3. On December 19, 2023, CRPC responded with a notice of non-opposition to BLM's  
11 motion, and Plaintiffs opposed BLM's motion. ECF Nos. 22 & 23.

12 4. On January 9, 2024, both CRPC and BLM filed replies to Plaintiffs' opposition. ECF  
13 Nos. 25 & 26.

14 5. On March 5, 2024, Plaintiffs moved for leave to file supplemental authority in  
15 support of their opposition to BLM's motion for remand without vacatur. ECF No. 32.

16 6. On March 11, 2024, both BLM and CRPC opposed Plaintiffs' request. ECF Nos. 33 &  
17 34.

18 7. On May 23, 2024, before the Court ruled on the pending motions, BLM issued an  
19 updated EA and FONSI concerning CRPC's six Applications for Permits to Drill. On the same  
20 day, BLM also issued an EA and FONSI for four Applications for Permits to Drill new oil wells  
21 for INNEX in Kings County, California, and issued the accompanying Decision Record  
22 approving the permits on May 28, 2024.

23 8. As a result, on June 26, 2024, the Parties withdrew all pending motions as moot.  
24 BLM and CRPC also provided consent for Plaintiffs to amend and supplement their complaint.  
25 ECF No. 35.

26 9. On June 28, 2024, Plaintiffs moved to amend and supplement their complaint to add  
27 allegations concerning BLM's new EA and FONSI for the six permits for CRPC, and to  
28 challenge BLM's approval of the four new permits for INNEX. ECF No. 37. The Court granted

1 the motion on July 1, 2024. ECF No. 38.

2 10. On July 8, 2024, Plaintiffs filed their first amended and supplemental complaint. ECF  
3 No. 40.

4 11. On August 27, 2024, both BLM and CRPC filed their answers. ECF Nos. 50 & 51.  
5 INNEX filed a motion to dismiss Plaintiffs' first amended and supplemental complaint pursuant  
6 to Federal Rule of Civil Procedure 12(b)(1) for failure to state a claim upon which relief can be  
7 granted. ECF No. 52. Plaintiffs stated that they intended to oppose the motion, BLM reserved its  
8 right to respond to the motion, and CPRC took no position on the motion at the time it was filed.

9 12. To allow the responding Parties additional time to confer with their clients and prepare  
10 their responses to INNEX's motion to dismiss, the Parties stipulate to extend the time to respond  
11 to INNEX's motion as follows:

12 October 8, 2024 Deadline for Plaintiffs' opposition to INNEX's motion and  
13 any amended complaint.

14 Deadline for BLM and CRPC's responses to INNEX's  
15 motion.

16  
17 October 18, 2024 Deadline for INNEX's reply in support of its motion.

18 13. The Parties also respectfully request to move INNEX's requested hearing date from  
19 October 7, 2024 at 9:00 am, to November 4, 2024 at 9:00 am.

20  
21 A proposed order is attached.

22  
23 Respectfully submitted,

24 Dated: September 5, 2024

/s/ Michelle Ghafar

MICHELLE GHAFAR (CA Bar No. 315842)

mghafar@earthjustice.org

Earthjustice

50 California Street, Suite 500

San Francisco, CA 94111

Tel: (415) 217-2186 / Fax: (415) 217-2040

1 ELIZABETH B. FORSYTH  
2 (CA Bar No. 288311)  
3 eforsyth@earthjustice.org  
4 Earthjustice  
5 810 Third Avenue, Suite 610  
6 Seattle, WA 98104  
7 Tel: (206) 531-0841 / Fax: (206) 343-1526

8 *Counsel for Plaintiffs*

9 /s/ Lucy E. Brown (as authorized 9/5/24)  
10 LUCY E. BROWN (HI Bar No. 10946)  
11 Lucy.E.Brown@usdoj.gov  
12 United States Department of Justice  
13 Environment and Natural Resources Division  
14 Environmental Defense Section  
15 P.O. Box 7611  
16 Washington, D.C. 20044-7611  
17 Tel: (202) 598-1868

18 *Counsel for Federal Defendants*

19 /s/ Brittany Rogers (as authorized 9/5/24)  
20 BRITTANY ROGERS (CA Bar No. 274432)  
21 brogers@omm.com  
22 California Resources Production Corporation  
23 400 South Hope Street, 18<sup>th</sup> Floor  
24 Los Angeles, CA 90071  
25 Tel: (213) 430-6000 / Fax: (213) 430-6407

26 *Counsel for Defendant California Resources  
27 Production Corporation*

28 /s/ Jason T. Morgan (as authorized 9/5/24)  
JASON T. MORGAN (*admitted pro hac vice*)  
jason.morgan@stoel.com  
Stoel Rives LLP  
600 University Street, Suite 3600  
Seattle, WA 98101  
Tel: (206) 624-0900

*Counsel for Defendant INNEX California, Inc.*